

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Dept. for Women, Children, Disabled and Senior Citizens – Reservation of Posts in favour of Persons with Disabilities and Interchange among the 3 categories of Disabled Persons in accordance with PWD Act, 1995 & Order of APAT in OA No.9612 of 2009 dated 11-08-2010 – Revised - Orders – Issued.

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DEPT. FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (DW)

G.O.Ms.No.23

Dated: 26-05-2011
Read the following:-

- 1) G.O.Ms.No.115,WDCW & (WH.Desk) Deptt.Dt.30-7-1991.
- 2) GO. Ms .No. 18, WD, CW & L Dept, dt:01-03-1994.
- 3) G.O.Ms.No.72 WD&CW (WH.Desk) Deptt.Dated 5-8-1997
- 4) G.O.Ms.No.112,WD&CW (WH) Deptt.dt.6-12-1997.
- 5) G.O.Ms.No.385, G.A.(Ser.D)Deptt.dt.18-11-2000.
- 6) G.O.Ms.No.52, WDCW & DW (DW) Deptt,dt.25-10-2002
- 7) G.O.Ms.No.41, WDCW&DW (DW) Deptt.dt.27-11-2003
- 8) G.O.Ms.No.252, G.A.(Ser.) Deptt.dt.28-8-2004.
- 9) Orders of A.P.A.T., Hyd dated 11-8-2010 in O.A.No.9612/09
- 10) From the Commissioner, Disabled Welfare, Hyderabad,
Letter.No.C1/3490/2010, dt.20-11-2010.

ORDER:-

Orders were issued in the reference 1st read above, fixing 3% reservation in favour of Handicapped persons in the ratio of 1:1:1 for the Blind, Deaf/ Dumb and Orthopaedically Handicapped respectively. In the reference 3rd read above, orders were issued fixing roster points to the different categories of handicapped including women.

2. Based on the orders issued in the G.O.7th read above, General Administration (Ser.D) Department had issued orders fixing the roster points and amended the State and Subordinate Service Rules accordingly in the reference 8th read above.

3. According to rule 22 (2) (e) of the Andhra Pradesh State and Subordinate Service rules, 1996 as amended in G.O.Ms.No.252, G.A.(Ser.D) Department dated 28-8-2004, the 6th,31st and 56th points in each cycle of 100 vacancies shall be allotted to the Visually Handicapped, Hearing Handicapped and Orthopaedically Handicapped persons respectively as stated above and where qualified and suitable candidates are not available from among them, the turn allotted for them in the unit referred to above shall be carried forward for three succeeding recruitment years. In the third succeeding recruitment year, if disabled candidates from any category are not available for appointment in the turn allotted, the vacancy shall be filled by next group of disabled in rotation by effecting interchange and the reservation shall cease thereafter.

(P.T.O.)

4. Section 36 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act, 1995 (Central Act No.1 of 1996) provides that where in any recruitment year any vacancy under Section 33, cannot be filled up due to non availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also person with disability is not available, it may first be filled by interchanging among three categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

5. The Andhra Pradesh Administrative Tribunal, Hyderabad in its order in O.A.No.9612/2009, dated 11-08-2010 while allowing the said O.A. in part quashing the rule issued under G.O.ms.No.252, G.A.(Ser.D) Deptt.dt.28-08-2004 to the extent of prescribing the period of three years.

6. Government after careful examination of the matter and in consonance with the provisions of Section 36 of the PWD Act, 1995 (Central Act No.1 of 1996) and the aforesaid orders of the Andhra Pradesh Administrative Tribunal and in supercession of the orders issued in the references 1st to 7th read above, issue the following comprehensive orders:-

i) 3% of vacancies in case of Direct Recruitment for persons or class of persons with disability of which one per cent, each shall be reserved for persons suffering from:-

- a) blindness or low vision;
- b) hearing impairment;
- c) locomotor disability or cerebral palsy,

Provided that the Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notifications, exempt any establishment from the provisions of this reservation, as per the procedure prescribed at para (7) of this Order.

ii) Definitions of disabilities: Definitions of categories of disabilities for the purpose of reservations in posts shall be as stipulated in PWD Act.

iii) The reservation among the 3 categories of Persons with Disabilities i.e. Blindness or Low vision, Hearing Impairment and Locomotor Disability or Cerebral Palsy in three cycles and reservation for women among them shall be as follows:-

| <u>1 to 100</u> | | |
|---|---|---|
| 6 (Blindness or Low Vision) (Women) | 31 (Hearing Impaired) (Open) | 56 (Locomotor Disability or Cerebral Palsy) (Open) |
| <u>101-200</u> | | |
| 106 (Blindness or Low Vision) (Open) | 131 (Hearing Impaired) (Women) | 156 (Locomotor Disability or Cerebral Palsy) (Open) |
| <u>201-300</u> | | |
| 206 (Blindness or Low Vision) (Open) | 231 (Hearing Impaired) (Open) | 256 (Locomotor Disability or Cerebral Palsy) (Women) |

iv) Where in any recruitment year, any vacancy cannot be filled up due to non availability of a suitable person with disability or, for any other sufficient reason as specified above, such vacancy shall be carried forward to the succeeding recruitment year for being filled from the same category. If in that year also qualified candidates of the same category are not available, the same shall be notified for being filled up by interchanging from among the three categories. Only when there is no person with disability of any of the 3 categories available for the post, the employer shall fill up the vacancy by appointment of a person, other than a person with disability.

Provided that if qualified women candidates are not available for the posts reserved for women, qualified male candidates of the same category of disabled may be appointed.

Illustration 1 for Para 6 (iv):-

- a) In the case of 6th roster point fixed for Blindness or Low Vision (Woman), if woman candidate with Blindness or Low Vision is not available in the initial recruitment year, the vacancy may be carried forward to the succeeding recruitment year for being filled up by woman with Blindness or Low Vision;
- b) If woman candidate with Blindness or Low Vision in that succeeding recruitment year also is not available, the same shall be notified inviting applications from male candidate also with Blindness or Low Vision. If male candidate with Blindness or Low Vision is also not available, the post may first be notified for Hearing impaired candidate (being next category in the roster) and if no such candidate comes forward it may be notified for locomotor disability or cerebral palsy (being the next category in the roster);

- c) Only when there is no person with disability of any of the 3 categories available for the post, the employer shall fill up the vacancy by appointment of a person other than a person with disability.
- d) For the other roster points reserved for women for remaining two categories of disabilities i.e. roster points 131, 256 the same procedure explained at (a) to (c) above shall be followed.

Illustration 2 :-

- a) Similarly in the case of 31st roster point fixed for Hearing Impaired, if candidate with Hearing Impairment is not available in the initial recruitment year, the vacancy may be carried forward to the succeeding recruitment year for being filled up by a candidate who is Hearing Impaired.
- b) If candidate with Hearing Impairment in that succeeding recruitment year also is not available, the same shall be notified for being filled up by interchanging from among the remaining 2 (two) categories first by candidate with Locomotor Disability or Cerebral Palsy and then by Blindness or Low Vision (being next roster points)
- c) Only when there is no person with disability of any of the 3 categories available for post shall the employer fill up the vacancy by appointment of a person, other than a person with disability.
- d) For the other roster points reserved for three categories of persons with disabilities other than women i.e. roster points 56, 106, 156, 206 and 231 the same procedure explained above at (a) to (c) shall be followed.

7. When any department considers that it is not possible to provide reservation for any category of Persons with Disabilities or that the extent of reservation needs to be reduced or that the extent of disability needs to be specified, keeping in view the nature of duties to be performed by the employees in that particular department, the department may seek partial or full exemption from such reservation. Such exemption shall however be decided by the following Inter Departmental Committee:-

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|----|--|---|----------------------------------|
| 1) | Secretary to Government, Department for Women, Children, Disabled and Senior Citizens | : | Chairman/ Chairperson |
| 2) | Commissioner, Department for the Welfare for Disabled and Senior Citizens | : | Convener |
| 3) | Secretary to Government, General Administration (Services) Department | : | Member |
| 4) | Director, Medical and Health Deptt. | : | Member |
| 5) | Secretary to Govt., or his nominee of the department concerned who sought exemption | : | Member |

8. These orders shall come into force with retrospective effect from 28-08-2004 i.e. issue of G.O.Ms.No.252, G.A.(Ser.D) Department, dated 28-08-2004. However, this amendment shall not have the effect of nullifying a benefit which has been granted or availed of under the Old Rules.

9. The General Administration (Ser.D) Department shall issue necessary amendments to the A.P. State and Subordinate Service Rules, 1996 accordingly.

10. All the Departments of Secretariat, Heads of Departments and all officers concerned are requested to implement the above orders.

11. This order is available on the Internet and can be accessed at the address <http://aponline.gov.in/apgos>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.CHAYA RATAN,
SPL.CHIEF SECRETARY TO GOVERNMENT

To

The Commissioner,

Dept. for the Welfare of Disabled & Senior Citizens, Hyderabad.

All Departments of Secretariat

All Heads of Departments

All District Collectors

Director, Health, Hyd

All Officers concerned through their respective HODs

Commissioner, Information & Public Relations, Hyd with a request
to give wide publicity.

Copy to:

P.S. to Chief Secretary

P.S. to Spl.Secretary to C.M.

P.S. to Minister (IKP,Pensions,SHGs & WDCW&DW)

P.S. to Spl.C.S., Dept. for WCD & SC

P.S. to Secretary, G.A. (Ser)Department

P.S.to Secretary, Legal Affairs

S.F/S.Cs

//forwarded::by order//

SECTION OFFICER